

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARBARA LEWIS, et al.,
Plaintiffs,
v.
RODAN & FIELDS, LLC,
Defendant.

Case No. 18-cv-02248-PJH

**ORDER TERMINATING MOTION FOR
A PROTECTIVE ORDER WITHOUT
DECISION AND DIRECTING THE
PARTIES TO FILE A STATUS
UPDATE**

Re: Dkt. No. 155, 156, 160

On August 28, 2020, the parties filed a stipulation with the court indicating their intent to participate in a third mediation session in late September. Dkt. 183. Suggesting the possibility of settlement, the parties also requested that “all rulings related to the pending motions for class certification (dkt. no. 98) or to the pending motion to exclude Plaintiffs’ expert (dkt. no. 145-2, 146) be held in abeyance until after September 30, 2020.” Id. at 2.

In response, the court terminated the then-pending motion for class certification (Dkt. 98), motion to exclude expert testimony (Dkt. 146), and all associated motions to seal (Dkts. 88, 139, 166, and 177). Dkt. 184. The court expressly stated the parties may renew these motions in the event settlement fails. Id. The parties have not done so.

The court has reviewed plaintiffs’ still-pending motion for in camera review and a protective order. Dkt. 155. Given the parties’ apparent dispute about the relevance of the subject medical records to a class certification decision, it appears that they intended to include this motion among those “held in abeyance” pursuant to their August 28, 2020 stipulation. Accordingly, the court **TERMINATES** the motion for a protective order (Dkt. 155), as well as its related motions to seal (Dkts. 156, 160). The parties may renew

these motions in the event plaintiffs re-notice their class certification related motions.

As a related matter, the court understands that almost three months have passed since the September mediation session. Since then, the parties have not taken any substantive action in this case. The court will not permit this matter to languish on its docket unprosecuted. Given that, the court **ORDERS** the parties to file a joint status update by **Friday, January 15, 2021**. In it, the parties should detail their settlement progress, as well as any intent to dismiss this action or renew the above-referenced motions.

IT IS SO ORDERED.

Dated: December 23, 2020

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge

United States District Court
Northern District of California